

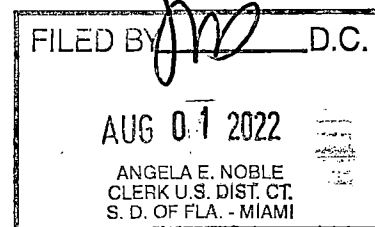
RECEPTION MEDICAL CENTER  
DATE: 8/2  
INITIALS: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Civil Case Number: \_\_\_\_\_

GOMEZ MAXIMO  
(Write the full name of the plaintiff)

vs.  
CAPTAIN VERNON  
K. LAYTON



(Write the full name of the defendant/s in this case)

COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

I. Party Information

A. Plaintiff: Gomez MAXIMO

Address: Reception Medical Center P.O. Box #628  
LAKE BUTLER, FLORIDA 32054  
Inmate/Prison No.: M11644

Year of Birth: 09-05-99 (Do not include day or month, pursuant to Fed. R. Civ. P 5.2)

(Write your name, address and prison/inmate number, if applicable)

vs.

B. Defendant: CAPTAIN VERNON

Defendant: K. LAYTON

Official Position: CAPTAIN

Official Position: Teacher

Place of Employment: MARTIN.C.I

Place of Employment: MARTIN.C.I

(Write the full name of each defendant, official position and place of employment. Attach a separate page if you need additional space for additional defendants. )

## II. Statement of Claim

Briefly describe the facts of your case. Describe how each defendant is involved, names of other persons involved, and dates and places. Each claim should be stated in a separately numbered paragraph. Please use short and plain statements, with separately numbered paragraphs indicating why the relief requested should be granted. Do not include legal arguments or cite cases or statutes. Attach additional pages, if necessary.

• SEE Additional PAGES ATTACHED.

## III. Relief Requested

Briefly state what you are requesting from the Court (what do you want the Court to do). Do not include legal arguments or cite cases or statutes. Attach additional pages, if necessary.

• SEE Additional PAGES ATTACHED.

SEE ADDITIONAL PAGES

**IV. Jury Demand**

Are you demanding a jury trial?

☒ Yes

☐ No

Signed this 27<sup>TH</sup> day of July, 20 22  
Mary & Arman  
Signature of Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July. 27<sup>TH</sup> 2022  
Mary & Arman  
Signature of Plaintiff

UNITED STATES DISTRICT COURT SOUTHERN  
DISTRICT OF FLORIDA, MIAMI DIVISION

MAXIMO GOMEZ  
Plaintiff

CASE NO: \_\_\_\_\_

VS.

CAPTAIN VERNON

K. LAYTON

Individually Sued  
Defendants

"1983 Civil Rights Complaint"  
FOR DAMAGES

- (1) This is AN ACTION FOR DAMAGES under 42 U.S.C 1983 AND 1988.
- (2) This COURT has Jurisdiction under 28 U.S.C 1331 AND 1343.
- (3) Venue is ASSERTED in The SOUTHERN DISTRICT OF FLORIDA, MIAMI DIVISION, Because Defendants Are found, AND CAUSE OF ACTION AROSE here.
- (4) Plaintiff Gomez WAS CONFINED AT MARTIN CORRECTIONAL INSTITUTION LOCATED AT 1150 SOUTHWEST ALLAPATTAH ROAD INDIANTOWN, FLORIDA 34956, FROM MAY. 13. 2019 TO December. 09. 2020, Plaintiff is CURRENTLY CONFINED AT APALACHEE CORRECTIONAL INSTITUTION 35 APALACHEE DRIVE, SNEADS, FLORIDA 32460 FROM Feb. 22. 22 TO THE PRESENT DATE.

(5) Plaintiff Gomez Maximo is AND WAS AT ALL Times MENTIONED AN ADULT Citizen OF The UNITED STATES AND A Resident OF The STATE OF FLORIDA.

(6) Defendant Captain VERNON is employed AT MARTIN Correctional Institution, AS A (RANK) OF CAPTAIN FOR The FLORIDA Department OF Correction, He is Sued INDIVIDUALLY.

(7). Defendant K. LAYTON is EMPLOYED AT MARTIN Correctional Institution AS A (Teacher) FOR The FLORIDA Department OF Corrections LOCATED AT 1150 South West ALLAPATTAH ROAD INDIANTOWN, FLORIDA 34956. She is Sued INDIVIDUALLY.

(8.) This ACTION Arises Under AND is brought PURSUANT TO 42 U.S.C Section 1983 TO Remedy The Deprivation Under The COLOR OF STATE LAW, OR Rights GUARANTEED By The 8<sup>th</sup> AND 14<sup>th</sup> Amendments TO The UNITED STATES CONSTITUTION. This COURT HAS JURISDICTION OVER This ACTION PURSUANT TO 28 U.S.C 1331.

(9.) The CAUSE OF ACTION AROSE IN The Southern DISTRICT OF FLORIDA, MIAMI Division. Therefore Venue is PROPER Under 28 U.S.C Section 1391(B).

(10.) ALL Individual Defendants Named Above Acted Under COLOR OF LAW AND WITHIN The COURSE AND SCOPE OF Their employment.

## "STATEMENT OF CLAIM"

(1) Plaintiff MAXIMO Gomez Brings This Lawsuit under 42 U.S.C 1983 Against Captain VERNON in his Individual Capacity for his Failure To Protect, Plaintiff Gomez From Inmate GARY Douglas, Physical ASSAULT ON Aug. 28. 2020 IN The matter To CAUSE Great Bodily HARM, STABBED WOUNDS To Chest, BACK, Lung, Broken Rib, MALICIOUSLY AND SADISTICALLY, CAPTAIN VERNON Allowed Plaintiff To Be ASSAULTED By Inmate GARY Douglas ON Aug. 28. 2020 FOR The Very PURPOSE To CAUSE HARM To Plaintiff. Defendants ACTIONS Are Prohibited By The Eighth Amendment OF The United STATES CONSTITUTION. UNDER VIDEO EVIDENCE ASSAULT TOOK PLACE.

(2) Plaintiff MAXIMO Gomez Brings This Lawsuit under 42 U.S.C 1983 Against K. LAYTON in Her Individual Capacity for her Deliberate Indifference When She Failed To Protect Plaintiff Gomez From Inmate GARY Douglas Physical ASSAULT ON Aug. 28. 2020, IN The matter To CAUSE Great Bodily HARM, STABBED WOUNDS To Chest, BACK, Lung, Broken Rib, MALICIOUSLY AND SADISTICALLY, K. LAYTON Allowed Plaintiff To Be ASSAULTED BY Inmate GARY Douglas ON Aug. 28. 2020, FOR The Very PURPOSE To CAUSE harm To Plaintiff. Defendant ACTIONS Are Prohibited By The Eighth Amendment OF The United STATES CONSTITUTION. UNDER VIDEO EVIDENCE ASSAULT TOOK PLACE.

(3) The FLORIDA Department of Corrections Requires The CARE, CUSTODY AND CONTROL OF A Inmate Under There Supervisor By A employee 100% percent AT A Time. FLORIDA Administration CODE 33.208.001

(4) A Supervisor May be liable Under Section 1983 For There ACTIONS, IF They Exhibit deliberate indifference To AN Inmate SAFETY. Deliberate Indifference EXISTS Where There is A SUBSTANTIAL Risk of Serious harm To AN Inmate, AND The PRISON OFFICIALS KNOWS OF The Risk AND Witness A ATTACK AND Disregards IT By Failing To Take Steps To Prevent harm To The Inmate, CAPTAIN VERNON AND K. LAYTON Watched Plaintiff Be ASSAULTED ON Aug. 28. 2020 AND Did NOTing To Stop Inmate GARY Douglas.

### "CAUSE OF ACTIONS"

Defendants CAPTAIN VERNON AND K. LAYTON ENvinced Deliberate Indifference When They failed To Protect Plaintiff MAXIMO Gomez From Inmate GARY Douglas Physical ASSAULT ON Aug. 28. 2020.



## STATEMENT OF FACTS.

(1) IT WAS 1:30 PM, FRIDAY Aug. 14. 2020, Plaintiff Gomez WAS ASSIGNED TO (SGT) GORDON INSIDE GROUND CREW.

(2) (SGT) GORDON YELK AT Plaintiff GRAB A LAWNMOWER I NEED YOU TO CUT THE GRASS OUTSIDE THE EDUCATION BUILDING.

(3) Plaintiff Gomez GRAB HIS LAWNMOWER AND STARTED WALKING TO THE SOUTHSIDE OF THE COMPOUND TO CUT THE OUTSIDE OF THE EDUCATION BUILDING.

(4) AS Plaintiff WAS CUTTING THE GRASS he became THIRSTY AND NEEDED WATER TO DRINK.

(5) Plaintiff Gomez WILL STOP CUTTING GRASS AND ENTER THE EDUCATION BUILDING TO GET A DRINK OF WATER.

(6) AS Plaintiff STARTED TO DRINK WATER OUT THE WATER FAUCET he heard MOANS COMING OUT Teacher K. LAYTON OFFICE.

(7). Plaintiff BECAME CURIOUS AND WANTED TO SEE WHAT WAS GOING ON.

(8). Plaintiff OPENED K. LAYTON OFFICE DOOR AND WAS SHOCK WHAT he SAW.



(9). Plaintiff SAW K. LAYTON HAVING SEX WITH Inmate Sammie GARZON.

(10) Plaintiff RAN OUT The Room AND Immediately RAN TO CAPTAIN VERNON OFFICE, Plaintiff Reported TO CAPTAIN VERNON What he JUST had witnesses.

(11) CAPTAIN VERNON TOLD Plaintiff That he Will look INTO his Allegation AND Reported TO INSPECTOR Smith.

(12) Plaintiff Will LATER Findout That CAPTAIN VERNON "Never" Reported his Allegation TO INSPECTOR Smith BUT INSTEAD TOLD K. LAYTON That Plaintiff WAS SWITCHING ON Her.

(13). ON Aug. 28, 2020, FRIDAY, 2 weeks LATER AT 8:00 a/m Plaintiff WAS ON his way TO Work.

(14). Plaintiff SAW K. LAYTON Next TO CAPTAIN VERNON OFFICE TALKING.

(15). K. LAYTON SAW Plaintiff AND STARTED WALKING TOWARDS Plaintiff.

(16). K. LAYTON Will Now Tell Plaintiff IN his FACE, "CAPTAIN VERNON TOLD me What you TOLD him IF you Do NOT Check IN I am Going To make Sure you Leave MARTIN C.I IN A Body BAG.

(17) Plaintiff WAS Terrified So he WALKED TO CAPTAIN VERNON OFFICE, Plaintiff TOLD CAPTAIN VERNON That his life WAS IN DANGER DUE TO K. LAYTON THREATS AND Need IT Protection, CAPTAIN VERNON TOLD Plaintiff "UNLESS I See you Bleeding" I am NOT Giving you ANY protection, Now Get OUT My OFFICE AND Closed The DOOR Behind you.

(18) Plaintiff Reported BACK TO Work.

(19) AT 11:21 A/m Plaintiff WAS ON his WAY To ~~the~~ Northside Chow hall, To GRAB Some Lunch.

(20) Plaintiff Notice CAPTAIN VERNON AND K. LAYTON STANDING OUTSIDE The Northside property Room TALKING, With A EVIL Smile ON There FACE Watching Plaintiff.

(21) Plaintiff Gomez WAS "UNAWARE" That he WAS About To Be ATTACKED By Inmate GARY DOUGLAS.

(22). As Plaintiff GOT IN BACK OF The LINE To Get his Lunch.

(23) Plaintiff Will hear CAPTAIN VERNON Point his Finger AT Plaintiff AND SCREAM To Inmate GARY DOUGLAS, There he is, Plaintiff Will Now hear K. LAYTON Tell Inmate GARY DOUGLAS "Get him".

(24) WITHOUT ANY JUSTIFICATION.

(25) Inmate GARY DOUGLAS STARTED ATTACKING PLAINTIFF GOMEZ STABBING PLAINTIFF IN THE RIGHT SIDE OF HIS CHEST WITH A 7 1/2 inch KNIFE.

(26) PLAINTIFF GOMEZ IMMEDIATELY NOTICE CAPTAIN VERNON AND K. LAYTON, WATCHING THE ASSAULT AND NOT STOPPING IT.

(27). PLAINTIFF GOMEZ STARTED YELLING AT CAPTAIN VERNON AND K. LAYTON, AS HE TRY TO RUN AWAY FROM INMATE DOUGLAS, TO STOP HIM, BUT TO NO AVAIL.

(28) Inmate GARY DOUGLAS WILL NOW STRIKE PLAINTIFF IN THE BACK WITH THE KNIFE, CAUSING PLAINTIFF LEFT LUNG TO COLLAPSE AND BREAKING PLAINTIFF LEFT RIB, PLAINTIFF WAS DRENCHED IN BLOOD AND FELL TO THE GROUND.

(29) CAPTAIN VERNON AND K. LAYTON STARTED TO CHEER ON INMATE GARY DOUGLAS, "KILL" PLAINTIFF GOMEZ INMATE GARY DOUGLAS CONTINUE HIS ASSAULT ON PLAINTIFF STABBING PLAINTIFF IN HIS LEFT ARM.

(30). DEFENDANTS ACTING CAPTAIN VERNON AND K. LAYTON EXERCISED DELIBERATE INDIFFERENCE TO PLAINTIFF HEALTH AND SAFETY BY FAILING IMMEDIATELY TO PROTECT PLAINTIFF GOMEZ FROM INMATE GARY DOUGLAS "ATTACK" THAT THEY WITNESS AND KNEW IT WAS OCCURRING. INSTEAD THESE DEFENDANTS MERELY ACKNOWLEDGED TO PLAINTIFF THAT THEY

"SAW" The ATTACK AND despite seeing That Plaintiff Gomez had Suffered AND WAS Suffering Serious Injuries, The Defendants Failed To Stop The ATTACK Immediately.

(31) AS A Result OF The deliberate indifference exercised By The Aforementioned Defendants, Plaintiff Gomez Suffered Serious harm AT The hands of Inmate Gary Douglas. Plaintiff Gomez Sustained Multiple Stabbed Wounds, A Broken Rib, Punched Lung, Plaintiff WAS ON "Life Support" FOR 3 DAYS. Plaintiff Gomez Also Suffered EXTreme EMOTIONAL Distress From The Incident.

(32). Captain VERNON AND K. LAYTON Will Now Tell Inmate Gary Douglas To STOP AND TO RUN That SGT MALONE WAS Coming.

(33). (SGT) MALONE Will Now Responded To The Incident While Captain VERNON AND K. LAYTON WALKED AWAY Laughing AT Plaintiff Gomez AND his Injuries.

(34). (SGT) MALONE Will Radio IT IN To Medical Officials That Plaintiff WAS DOWN AND Need IT Serious Medical Attention To CONTACT FIRE Rescue.

(35) Medical Officials Will Now Place Plaintiff ON A Stretcher AND Run TOWARDS The BACK GATE FOR Fire Rescue To PLACE Plaintiff ON A Helicopter To Be Life Flighted To LAWN WOOD HOSPITAL TRAUMA UNIT.



(36) ONCE Plaintiff GOT TO LAWNWOOD TRAUMA unit he WAS PLACED ON life Support Due To his Serious Injuries.

(37). Plaintiff STAYED ON life Support FOR 3 DAYS.

(38). Plaintiff Gomez STILL SUFFERS EMOTIONAL Distress IN Recalling The Physical Abuse THAT WAS Allowed BY CAPTAIN VERNON AND K. LAYTON.

(39). Plaintiff Gomez is ENTITLED OF Relief AGAINST CAPTAIN VERNON AND K. LAYTON FOR Violation OF The 8<sup>th</sup> Amendment TO The UNITED STATES CONSTITUTION AS A RESULT OF The ASSAULT THAT TOOK PLACE IN Their Presences ON Aug. 28, 2020 AND Their Failure TO Intervene AND prevent The ASSAULT BY Inmate GARY DOUGLAS, Failure TO TAKE Steps MUCH LESS ANY REASONABLE ONES MAKES The Defendants LiABle.

(40) Plaintiff Gomez SUFFERED STABBED WOUNDS TO RIGHT CHEST, LEFT RibCAGE, Broken LEFT Rib, PUNCHED LEFT Lung, STABBED Wound TO LEFT Arm, Plaintiff PAIN LASTED FOR MONTHS AND AFFECTING PlaintiffS WAY OF Life.

(41) Plaintiff Gomez ALSO SUFFERED humiliation AND Mental Anguish, EMOTIONAL TRAUMA AND PANIC ATTACKS.

(42) Plaintiff Gomez NOW Files This COMPLAINT CIVIL SUIT AGAINST The ABOVE NAMED Defendants FOR Their deliberate Indifference TO harm Plaintiff Throughout The Above-Mentioned Period. (10)

(43) Plaintiff Gomez has No Plain Adequate or Completed Remedy AT LAW To Redress Wrong Described here in.

(44) Plaintiff Gomez is entitled To Punitive DAMAGES Against Defendants Captain VERNON AND K. LAYTON.

• Relief Requested.

(A) ISSUE A Declaratory Judgment STATEing That:

(1) The Physical UNNECESSARY ASSAULT That Took Place in The Presence of Defendants Captain VERNON AND K. LAYTON ON Aug. 28, 2020 Violated Plaintiff Rights under The 8<sup>th</sup> Amendment To The United STATES CONSTITUTION.

(2) Compensatory DAMAGES in The Amount of \$200,000 Against Defendant Captain VERNON ONLY.

(3) Compensatory DAMAGES in The Amount of \$200,000 Against Defendant K. LAYTON ONLY.

(4) Plaintiff Gomez Also seeks Punitive DAMAGES in The Amount of \$200,000 Againsts ALL Defendants Sued Individually, ATTORNEY FEES PURSUANT TO 42 U.S.C 1988 AND COST OF LITIGATION.

(5) A TRIAL By JURY ON ALL Issues So Triable Such Relief Justice May Require As The COURT May Deem JUST AND PROPER.

## "PREVIOUS LAWSUIT By Plaintiff"

(1) Plaintiff Gomez Filed A Previous LAWSUIT  
CASE No: 20-80658 - CV- Smith MAGistrate  
Judge Reid.

## EXHAUSTION OF ADMINISTRATIVE Remedies

(1) Plaintiff Gomez Used The Prisoner Grievance  
Procedure To Try To Solve The Problem  
"ALL" Grievance Procedure WAS EXHAUSTED  
AND Denied ON July 15 2022 By  
C. NEEL From The Department Of Corrections  
Bureau Of Inmate Grievance Appeals  
SEE EXHIBIT(A) ATTACHED TO COMPLIANT  
Grievance LOG# 22-6-20449.

## VERIFICATION

I, Plaintiff MAXIMO Gomez File This COMPLIANT  
AND STATEMENT OF FACTS UNDER PENALTY OF  
PERJURY That The Foregoing is True AND  
Correct. EXECUTED ON July 27th 2022

Respectfully Submitted  
s/ Maximo Gomez

MAXIMO Gomez #M11644

Reception Medical Center  
P.O. Box # 628  
LAKE BUTLER, FLORIDA 32054



## Certificate of Service

I hereby Certify That A True AND Correct  
Copy OF The Foregoing WAS PLACED INTO A  
Prison OFFICIALS hands For mailing Via  
U.S. FIRSTclass MAIL TO: UNITED STATES  
DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA,  
MIAMI DIVISION, OFFICE OF THE CLERK,  
400 NORTH MIAMI AVENUE, MIAMI, FLORIDA  
33128-7716 ON THIS 27th DAY OF  
July 2022

ISI Maximo Gomez

MAXIMO Gomez # M11644

~~Apache Correctional Institution~~  
~~354 Apache Drive~~  
~~SARASOTA, FLORIDA 34230~~

Reception Medical Center

P.O. Box # 628

LAKE BUTLER, FLORIDA 32054

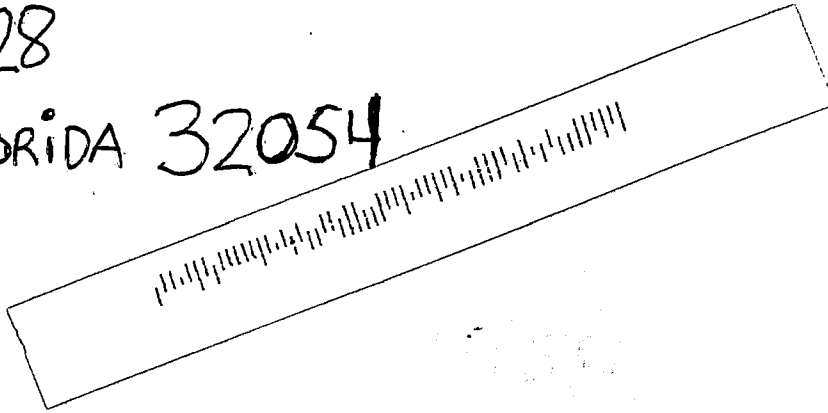
O GOMEZ #M111644

ON Medical Center (Main Unit)

X# 628

ER, FLORIDA 32054

MAILED FROM A  
STATE CORRECTIONAL  
INSTITUTION



U.S.M.S.  
INSPECTED  
BY: \_\_\_\_\_

10. Office of The Clerk  
UNITED STATES DISTRICT  
SOUTHERN DISTRICT OF F  
MIAMI DIVISION

400 NORTH MIAMI AVENUE  
ROOM # 8N09

MIAMI, FLORIDA 33128



MAXIMO GOMEZ # 111044  
(Main Unit)  
Reception Medical Center  
P.O. Box # 628  
Lake Butler, Florida 32054

MAILED FROM A  
STATE CORRECTIONAL  
INSTITUTION



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TO: OFFICE OF THE CLERK OF COURT  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
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ROOM # 8N09  
MIAMI, FLORIDA 33128

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